

Town Board Minutes

September 8, 2008

Meeting No. 29

A Regular Meeting of the Town Board of the Town of Lancaster, Erie County, New York, was held at the Town Hall at 21 Central Avenue, Lancaster, New York on the 8th day of September 2008 at 8:00 P.M. and there were

PRESENT: JOHN ABRAHAM , COUNCIL MEMBER
DANIEL AMATURA, COUNCIL MEMBER
RONALD RUFFINO, COUNCIL MEMBER
DONNA STEMPIAK, COUNCIL MEMBER
ROBERT GIZA, SUPERVISOR

ABSENT: NONE

ALSO PRESENT: JOHANNA COLEMAN, TOWN CLERK
JOHN DUDZIAK, TOWN ATTORNEY
JEFFREY SIMME, BUILDING INSPECTOR
GARY STOLDT, CHIEF OF POLICE
DAVID MARRANO, ASSESSOR
RICHARD REESE JR., HIGHWAY SUPERINTENDENT
ROBERT HARRIS, ENGINEER, WM. SCHUTT & ASSOCIATES

EXECUTIVE SESSION:

AT 9:08 P.M., UPON A MOTION DULY MADE BY COUNCIL MEMBER ABRAHAM, SECONDED BY COUNCIL MEMBER RUFFINO AND CARRIED, the Town Board entered into Executive Session to deliberate on the announced purpose of discussing particular personnel matters in the Police Department and the Building Inspector's Department.

At 9:41 P.M., the Town Board reconvened with all members present. The Town Clerk reported that no official actions were taken by the Town Board in Executive Session.

PERSONS ADDRESSING TOWN BOARD:

Chowaniec, Lee, spoke to the Town Board on the following matters:

- bronze bell in Westwood Park
- Transit Road Access Management Ordinance

Fronczak, Mike, spoke to the Town Board on the following matters:

- Town facility on Walden Avenue
- legal fees of Town

Brombos, John, spoke to the Town Board on the following matter:

- neighbor's privacy fence on Americo Court

Cansdale, Jackie, spoke to the Town Board on the following matter:

- neighbor's privacy fence on Americo Court

Winiewicz, Michael, spoke to the Town Board on the following matter:

- defended the privacy fence on Americo Court

Brombos, Linda, spoke to the Town Board on the following matter:

- neighbor's privacy fence on Americo Court

Ricotta, Kevin, Attorney for residents of Americo Court, spoke to the Town Board presenting their perspective on the placement of the fence and the reasons for the opposition.

PRESENTATION OF PREFILED RESOLUTIONS BY COUNCIL MEMBERS:

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

RESOLVED, that the minutes of the Joint Meeting of the Town Board and the Planning Board held August 18, 2008 and the Regular Meeting of the Town Board held August 18, 2008 be and are hereby approved.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

September 8, 2008

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER ABRAHAM, TO WIT:

WHEREAS, Amato, Fox & Company, P.C., Certified Public Accountants
has duly examined and audited the fiscal affairs of the Town of Lancaster, including the records
and fiscal affairs of the Departments of Town Clerk and Town Justices for the year ended
December 31, 2007.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster accepts the “December
31, 2007 audits by Amato, Fox & Company, P.C. entitled “Basic Financial Statements with
Independent Auditor’s Report” and “Department of Clerk and Municipal Court Financial
Statements and Additional Information with Independent Auditor’s Report”.

The question of the adoption of the foregoing resolution was duly put to a vote
on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

September 8, 2008

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER RUFFINO, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPIAK, TO WIT:

WHEREAS, a Public Hearing was held on the 18TH day of August, 2008,
for the purpose of amending Chapter 46-Vehicle and Traffic Ordinance of the Code of the
Town of Lancaster, and persons for and against such amendment have had an opportunity to be
heard, and

WHEREAS, a Notice of said Public Hearing was duly published and
posted;

**NOW, THEREFORE, BE IT
RESOLVED**, as follows:

1. That Chapter 46, Vehicle and Traffic Ordinance of the Code of the
Town of Lancaster be amended in the form attached hereto and made a part hereof;
2. That said amendment be added in the minutes of the meeting the Town
Board of the Town of Lancaster held on September 8, 2008;
3. That a Certified Copy thereof be published in the Lancaster Bee on
September 11, 2008,
4. That a Certified copy of the amendment be posted on the Town
Bulletin Board;
5. That Affidavits of Publication and Posting be filed with the Town
Clerk;
6. That the Highway Superintendent take whatever action is necessary to
install signs in accordance with the Law.

The question of the adoption of the foregoing resolution was duly put to a
vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

September 8, 2008

**LEGAL NOTICE
NOTICE OF ADOPTION
AMENDMENT TO VEHICLE & TRAFFIC ORDINANCE
TOWN OF LANCASTER, COUNTY OF ERIE, STATE OF NEW YORK**

NOTICE IS HEREBY GIVEN that the Vehicle and Traffic Ordinance of the Town of Lancaster, Erie County, New York, designated as Chapter 46 of the Code of the Town of Lancaster is hereby amended as follows:

CHAPTER 46

ARTICLE IX - Speed Regulations

§46-9. Maximum speed limits.

- C. A speed limit of 45 miles per hour shall be posted on the following designated highways:
-
- (17) Town Line Road, west side from the intersection of Erie Street southerly to the north line of the Town of Elma.

September 8, 2008

STATE OF NEW YORK	:
COUNTY OF ERIE	:
TOWN OF LANCASTER	:

THIS IS TO CERTIFY that **I, JOHANNA M. COLEMAN**, Town Clerk of the Town of Lancaster in the said Town of Lancaster in the said County of Erie, have compared the foregoing copy of an amendments to the Vehicle and Traffic Ordinance of the Town of Lancaster, with the original thereof filed in my office at Lancaster, New York on the 8th day of September, 2008, and that the same is a true and correct copy of said original, and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said Town, this 8th day of September, 2008.

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Johanna M. Coleman, Town Clerk

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPIAK, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

WHEREAS, Greenfield Court Assisted Living, 5953 Broadway, Lancaster, New York 14086, has submitted a Site Plan prepared by Gordon W. Jones Associates dated June 3, 2008 and received June 4, 2008 for the proposed construction of a two (2) story, 13,350 square foot, sixteen (16) apartment addition to the Assisted Living Court to be located at 5953 Broadway in the Town of Lancaster, and

WHEREAS, the Planning Board has reviewed the original plan and at its meeting on June 18, 2008 has recommended approval of this project, and

WHEREAS, a SEQR Review of this project was held August 18, 2008 and a negative declaration was issued at that time;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby approves the Site Plan submitted by Greenfield Court Assisted Living and prepared by Gordon W. Jones Associates dated June 3, 2008 and received June 4, 2008 for the proposed construction of a two (2) story, 13,350 square foot, sixteen (16) apartment addition to the Assisted Living Court to be located at 5953 Broadway in the Town of Lancaster

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

September 8, 2008

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER RUFFINO, WHO
MOVED IT'S ADOPTION, SECONDED BY
COUNCIL MEMBER ABRAHAM, TO WIT:

WHEREAS, a Public Hearing was held on the 18th day of August, 2008 for the purpose of amending Chapter 46 - Vehicle and Traffic Ordinance of the Code of the Town of Lancaster and persons for and against such amendments have had an opportunity to be heard, and

WHEREAS, a Notice of said Public Hearing was duly published and posted;
**NOW, THEREFORE, BE IT
RESOLVED,** as follows:

1. That Chapter 46, Vehicle and Traffic Ordinance of the Code of the Town of Lancaster be amended in the form attached hereto and made a part hereof;
2. That said amendment be added in the minutes of the meeting of the Town Board of the Town of Lancaster held on September 8, 2008;
3. That a Certified Copy thereof be published in the Lancaster Bee on September 11, 2008;
4. That a Certified Copy of the amendment be posted on the Town Bulletin Board;
5. That Affidavits of Publication and Posting be filed with the Town Clerk;
6. That the Highway Superintendent take whatever action is necessary to install signs in accordance with the Law.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

September 8, 2008

File: rvtordchpt46noparkingShadysidePineview808a

**LEGAL NOTICE
NOTICE OF ADOPTION
AMENDMENT TO VEHICLE & TRAFFIC ORDINANCE
TOWN OF LANCASTER, COUNTY OF ERIE, STATE OF NEW YORK**

NOTICE IS HEREBY GIVEN that the Vehicle and Traffic Ordinance of the Town of Lancaster, Erie County, New York, designated as Chapter 46 of the Code of the Town of Lancaster is hereby amended as follows:

CHAPTER 46

ARTICLE X

ARTICLE X - Parking, Standing and Stopping.

46-14. Parking time limited in designated locations.

C. The parking of a vehicle is hereby prohibited in the following locations for a period of longer than two hours between the hours of 9:00 a.m. and 3:00 p.m. daily, Monday through Friday from, September 1 through June 30:

• • • • •

- (1) Shadyside Lane
- (2) Pine View Lane

September 8, 2008

**STATE OF NEW YORK :
COUNTY OF ERIE : ss:
TOWN OF LANCASTER :**

THIS IS TO CERTIFY that **I, JOHANNA M. COLEMAN**, Town Clerk of the Town of Lancaster in the said Town of Lancaster in the said County of Erie, have compared the foregoing copy of an amendments to the Vehicle and Traffic Ordinance of the Town of Lancaster, with the original thereof filed in my office at Lancaster, New York on the 8th day of September, 2008 and that the same is a true and correct copy of said original, and of the whole thereof.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of said Town, this 8th day of September, 2008.

Johanna M. Coleman, Town Clerk

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER RUFFINO, WHO
MOVED IT'S ADOPTION, SECONDED BY
COUNCIL MEMBER ABRAHAM, TO WIT:

WHEREAS, Assemblyman Dennis Gabryszak has secured a grant for the Town of Lancaster through the New York State Department of State in the amount of \$15,000 to be used toward the casting of a bronze bell for the clock tower at Westwood Park as a means of commemorating the Town's 175th anniversary celebration, and

WHEREAS, the Town Board deems it in the public interest to implement such a grant;

NOW, THEREFORE, BE IT

RESOLVED, that Grantmakers Advantage, Inc., the Town's grant consultants, be authorized and directed to complete the necessary application, forms, etc. to be submitted to the New York State Department of State for the purpose of securing this grant, and

BE IT FURTHER

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute all documents pertaining to the application and acquisition of said funding.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

September 8, 2008

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER ABRAHAM, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

WHEREAS, the Municipal Home Rule Law of the State of New York and Chapter 26 of the Code of the Town of Lancaster provide for the adoption and enactment of local laws, and

WHEREAS, proposed Local Law No. 1 of the Year 2008 repealing and deleting §40-17 entitled Exemption Schedule of Chapter 40-Taxation of the Code of the Town of Lancaster, and enacting in place thereof a new §40-17 of Article IV of Chapter 40 was introduced to the Town Board of the Town of Lancaster on August 4, 2008, and

WHEREAS, a public hearing was duly called and held pursuant to law on August 18, 2008

NOW, THEREFORE, BE IT

ENACTED by the Town Board of the Town of Lancaster, Local Law No. 1 of the Year 2008, repealing and deleting §40-17 - Exemption Schedule of Article IV of Chapter 40-Taxation of the Code of the Town of Lancaster and enacting a new §40-17 of Article IV of Chapter 40-Taxation in place thereof, as follows:

TAXATION
CHAPTER 40 - ARTICLE IV

TAXATION
§40-17 - EXEMPTION SCHEDULE
LOCAL LAW NO. 1
OF THE YEAR 2008

A LOCAL LAW TO AMEND THE CODE OF THE TOWN OF LANCASTER, BY DELETING IN ITS ENTIRETY §40-17 OF CHAPTER 40 - TAXATION, AND ENACTING IN PLACE THEREOF A NEW §40-17 OF CHAPTER 40 TAXATION OF THE CODE OF THE TOWN OF LANCASTER.

BE IT ENACTED by the Town Board of the Town of Lancaster, as follows:

SECTION 1. That §40-17 of Article IV of Chapter 40-Taxation be and is hereby deleted.

SECTION 2. That a new §40-17 of Article IV, of Chapter 40-Taxation of the Code of the Town of Lancaster be and is hereby enacted as follows:

§40-17. Exemption Schedule.

Real property owned by one or more persons with disabilities, or real property owned by a husband, wife, or both, or by siblings, at least one of whom has a disability, and whose income, as hereafter defined, is limited by reason of such disability, shall be exempt from taxation by the Town of Lancaster as provided in the following schedule:

ANNUAL INCOME	PERCENTAGE ASSESSED VALUATION EXEMPT FROM TAXATION
Not More than \$27,000	50 per centum
More than \$27,000 but Less than \$28,000	45 per centum
More than \$28,000 but Less than \$29,000	40 per centum
More than \$29,000 but Less than \$30,000	35 per centum
More than \$30,000 but Less than \$30,900	30 per centum
More than \$30,900 but Less than \$31,800	25 per centum
More than \$31,800 but Less than \$32,700	20 per centum
More than \$32,700 but Less than \$33,600	15 per centum
More than \$33,600 but Less than \$34,500	10 per centum

5 per centum

NOW, THEREFORE, BE IT

1. Immediately post a copy of Local Law No. 1 of the Year 2008 on the Town Bulletin Board;

3. Maintain a file in the Town Clerk's Office on Local Law No.1 of the Year 2008, with all proofs of publication and posting required for adoption; and

- a) Town Clerk's Office
- b) One (1) copy with the office of the Secretary of State.

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

File: rlocallawdisabilitytaxexemption808a

**LEGAL NOTICE
NOTICE OF ADOPTION
LOCAL LAW NO. 1
OF THE YEAR 2008
TOWN OF LANCASTER**

PLEASE TAKE NOTICE that there has been adopted by the Town Board of the Town of Lancaster, Erie County, New York, on September 8, 2008, Local Law No. 1 of the Year 2008, deleting and repealing §40-17 of Article IV of Chapter 40-Taxation of the Code of the Town of Lancaster, and enacts in place thereof a new §40-17 of Article IV of Chapter 40, : of the Code of the Town of Lancaster, briefly described as follows:

A Local Law which repeals Section 40-17 of Article IV, Chapter 40 of the Code of the Town of Lancaster, and enacts in place thereof a new §40-17 of Article IV of Chapter 40, of the Code of the Town of Lancaster.

This Local Law sets forth the Exemption Schedule for disabled persons by amending the above section of the Town Code.

**TOWN BOARD OF THE
TOWN OF LANCASTER**

**BY: JOHANNA M. COLEMAN
TOWN CLERK**

September 8, 2008

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER ABRAHAM, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER STEMPIAK, TO WIT:

WHEREAS, §467 of the Real Property Tax Law of the State of New York has been amended to authorize exemption from real property taxation on a graduated scale for Senior Citizens sixty-five (65) years of age or who become sixty-five (65) years of age after taxable status date, but on or before December 31 of the calendar year, with a total income of not more than \$27,000 to a total not exceeding \$35,400, and

WHEREAS, the increase in income eligibility for Town taxes will place no particular burden on the taxpaying public, but will materially improve the economic ability of our senior citizens in coping with the ravages of inflation while living on a fixed retirement income in their declining years, and

WHEREAS, the Town Board deems it in the public interest to adopt and enact said exemption from real property taxation on said graduated scale;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby adopts and enacts the following Senior Citizen Tax Exemption:

SENIOR CITIZENS TAX EXEMPTION

1. Exemption granted.
- Real property owned by one (1) or more persons, each of whom is sixty-five (65) _____ years of age or over, or real property owned by husband and wife, one (1) of whom is sixty-five (65) years of age or over or who become sixty-five (65) years of age after taxable status date, but before December 31st of the calendar year, shall be exempt from taxation by the Town of Lancaster to the extent as provided in the following schedule:

<u>ANNUAL INCOME</u>	<u>PERCENTAGE ASSESSED VALUATION EXEMPT FROM TAXATION</u>
_____ Not More than \$27,000	50 per centum
More than \$27,000 but Less than \$28,000	45 per centum
More than \$28,000 but Less than \$29,000	40 per centum
More than \$29,000 but Less than \$30,000	35 per centum
More than \$30,000 but Less than \$30,900	30 per centum

More than \$30,900 but Less than \$31,800	25 per centum
More than \$31,800 but Less than \$32,700	20 per centum
More than \$32,700 but Less than \$33,600	15 per centum
More than \$33,600 but Less than \$34,500	10 per centum
More than \$34,500. but Less than \$35,400	5 per centum

2._____When effective:

This Resolution shall be effective immediately.

and

BE IT FURTHER,

RESOLVED, that a Notice of the adoption of this real property exemption for Senior Citizens shall be published in the Lancaster Bee on September 11, 2008 in form attached hereto and made a part hereof.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

September 8, 2008

**LEGAL NOTICE
NOTICE OF ADOPTION
AMENDMENT TO
SENIOR CITIZENS EXEMPTIONS
TOWN OF LANCASTER**

LEGAL NOTICE IS HEREBY GIVEN, that the Town Board of the Town of Lancaster, at its meeting held September 8, 2008, adopted and enacted the following Senior Citizen Tax Exemption from real property taxation, in accordance with §467 of the Real Property Tax Law of the State of New York:

SENIOR CITIZENS TAX EXEMPTION

Exemption granted.

Real property owned by one (1) or more persons, each of whom is sixty-five (65) _____ years of age or over, or real property owned by husband and wife, one (1) of whom is sixty-five (65) years of age or over, or who become sixty-five (65) years of age after taxable status date, but before December 31st of the calendar year shall be exempt from taxation by the Town of Lancaster to the extent as provided in the following schedule:

<u>ANNUAL INCOME</u>	<u>PERCENTAGE ASSESSED VALUATION EXEMPT FROM TAXATION</u>
Not More than \$27,000	50 per centum
More than \$27,000 but Less than \$28,000	45 per centum
More than \$28,000 but Less than \$29,000	40 per centum
More than \$29,000 but Less than \$30,000	35 per centum
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More than \$31,800 but Less than \$32,700	20 per centum
More than \$32,700 but Less than \$33,600	15 per centum
More than \$33,600 but Less than \$34,500	10 per centum
More than \$34,500 but Less than \$35,400	5 per centum

**TOWN BOARD OF THE
TOWN OF LANCASTER**

**BY: JOHANNA M. COLEMAN
TOWN CLERK**

September 8, 2008

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER AMATURA, TO WIT:

WHEREAS, the Twin District Volunteer Fire Company, Inc., by letter
dated August 18, 2008 has requested the addition of a member to the roster of said fire
association.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby confirms
the addition to the membership of the Twin District Volunteer Fire Company the following
individual:

ADDITION:

Lindsey Wozniak
6 Willow Ridge Lane
Lancaster, New York 14086

The question of the adoption of the foregoing resolution was duly put to a
vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

September 8, 2008

File: RFIRE (P4)

PREFILED RESOLUTION NO. 10 - MEETING OF 09/08/08

Giza/ _____ Extend Temporary Summer Employment Of Ryan Rybinski

At the request of the Highway Superintendent, the Supervisor withdrew this resolution.

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER AMATURA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER ABRAHAM, TO WIT:

WHEREAS, the developer has requested the Town Board of the Town of Lancaster accept completed Public Improvements within Cross Creek Subdivision, Phase I within the Town of Lancaster, and

WHEREAS, the Town Engineer by letter to the Town Clerk dated August 29, 2008 has inspected the improvements and has recommended the approval thereof, and

WHEREAS, the Town Attorney, by letter to the Town Clerk dated August 29, 2008, has reported his favorable review for the acceptance of these public improvements.

NOW, THEREFORE, BE IT

RESOLVED, that the following completed Public Improvements within Cross Creek Subdivision, Phase I, be and are hereby approved and accepted by the Town Board of the Town of Lancaster:

- P.I.P. No. 635 - Water Line
- P.I.P. No. 636 - Storm Sewer
- P.I.P. No. 637 - Pavement & Curb
- P.I.P. No. 638 - Detention Pond

and,

BE IT FURTHER

RESOLVED, that the Town Attorney is directed to attend to filing the deed causing the dedication of the road(s) to the Town of Lancaster.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

September 8, 2008

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

WHEREAS, it is essential to public safety that the Town of Lancaster continue its participation in the coordinated effort to reduce alcohol related traffic injuries and fatalities, and

WHEREAS, the County of Erie has tendered an application to the Town of Lancaster for participation in said coordinated effort for the years 2008 through 2010.

NOW, THEREFORE, BE IT

RESOLVED, that the Supervisor be and hereby is authorized and directed to execute on behalf of the Town of Lancaster, the 2008 through 2010 STOP-DWI Application with the County of Erie for participation in funding of alcohol related traffic safety law enforcement activities under the 2008-2010 STOP-DWI Grant Program.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

September 8, 2008

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPNIAK WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER AMATURA, TO WIT:

WHEREAS, Kevin and Bonnie Chmielowiec, 2117 Old Union Road, Buffalo, New York 14227, has submitted a revised site plan prepared by E & M Engineers and Surveyors, P.C., dated September 2, 2008 and received September 3, 2008 for the proposed development of a 30,000 sq. ft. light industrial manufacturing building with 4,000 sq. ft. of office space located on the south side of Walden Avenue west of Town Line Road in the Town of Lancaster, and

WHEREAS, the Planning Board has reviewed the plan and at its meeting March 5, 2008 has recommended approval of this project, and

WHEREAS, a SEQR Review of this project was held March 17, 2008 and a negative declaration was issued at that time.

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby approves the Site Plan submitted by Kevin and Bonnie Chmielowiec and prepared by E & M Engineers and Surveyors, P.C., dated September 2, 2008 and received September 3, 2008 for the proposed development of a 30,000 sq. ft. light industrial manufacturing building with 4,000 sq. ft of office space located on the south side of Walden Avenue west of Town Line Road in the Town of Lancaster.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

September 8, 2008

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPIAK, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

WHEREAS, Casey Machine Co. Inc., 74 Ward Road, Lancaster, New York 14086, has submitted a Site Plan prepared by Tredo Engineers dated September 4, 2008 and received September 5, 2008 for the proposed construction of a one (1) story, 21,600 square foot addition to the existing machine shop facility and associated paved parking lot located at 74 Ward Road in the Town of Lancaster, and

WHEREAS, the Planning Board has reviewed the original plan and at its meeting on June 18, 2008 has recommended approval of this project, and

WHEREAS, a SEQR Review of this project was held September 8, 2008 and a negative declaration was issued at that time;

NOW, THEREFORE, BE IT

RESOLVED, that the Town Board of the Town of Lancaster hereby approves the Site Plan submitted by Casey Machine Co. Inc. and prepared by Tredo Engineers dated September 4, 2008 and received September 5, 2008 for the proposed construction of a one (1) story, 21,600 square foot addition to the existing machine shop facility and associated paved parking lot located at 74 Ward Road in the Town of Lancaster

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

September 8, 2008

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER AMATURA, TO WIT:

WHEREAS, Captain Riccardo Zuppelli, of the Town of Lancaster Police Department, by letter dated September 4, 2008, has requested authorization to send Officer Patrick O’Brien to the 2008 Safe Schools and D.A.R.E. Conference to be held in Auburn, New York from October 20, 2008 through October 24, 2008.

NOW, THEREFORE, BE IT

RESOLVED, that Officer Patrick O’Brien is hereby authorized to attend the 2008 Safe Schools and D.A.R.E. Conference to be held in Auburn, New York from October 20, 2008 through October 24, 2008.

BE IT FURTHER,

RESOLVED, that the cost for the attendance at the above-mentioned school and conference is hereby authorized in an amount not to exceed \$450.00. Actual and necessary expenses with this school and conference will be reimbursed upon submission of proper documentation of expenses, including receipts, to the Accounting Department of the Town of Lancaster.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

September 8, 2008

THE FOLLOWING RESOLUTION WAS OFFERED
BY SUPERVISOR GIZA, WHO MOVED ITS
ADOPTION, SECONDED BY COUNCIL
MEMBER ABRAHAM, TO WIT:

RESOLVED, that the following Audited Claims be and are hereby ordered paid from
their respective accounts as per abstract to be filed in the Office of the Town Clerk by the Director
of Administration and Finance, to wit:

Claim No. 4081 to Claim No. 4384 Inclusive

Total amount hereby authorized to be paid: \$597,221.75

The question of the foregoing resolution was duly put to a vote on roll call which
resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

September 8, 2008

File: Rclaims

THE FOLLOWING RESOLUTION WAS OFFERED
BY COUNCIL MEMBER STEMPIAK, WHO
MOVED ITS ADOPTION, SECONDED BY
COUNCIL MEMBER RUFFINO, TO WIT:

RESOLVED that the following Building Permit applications be and are hereby reaffirmed:

CODES:

- (SW) = Sidewalks as required by Chapter 12-1B. of the Code of the Town of Lancaster are waived for this permit.
(CSW) = Conditional sidewalk waiver
(V/L) = Village of Lancaster

NEW PERMITS:

16086	Guardian Fence	501 Pleasant View Dr	Er. Fence	
16087	Majestic Pools	8 Avian Way	Er. Pool-In Grnd	
16088	Majestic Pools	8 Avian Way	Er. Fence	
16089	Majestic Pools	12 Bridgewater Ct	Er. Pool-In Grnd	
16090	JLB Installers	38 Quail Run Ln	Er. Pool-In Grnd	
16091	American Fence	38 Quail Run Ln	Er. Fence	
16092	Dugas Electric	85 Michael's Walk	Inst. Generator	
16093	Kaz Bros Const	22 Grace Way	Er. Res. Add.	
16094	Sag Construction	101 Harvey Dr	Re-Roof House	(V/L)
16095	Ace Hardware	4 Butler Dr	Inst. Generator	
16096	Sahlems Roofing	23 Hidden Trl	Re-Roof House	
16097	Sahlems Roofing	14 Arrow Trl	Re-Roof House	
16098	Sahlems Roofing	70 Country Pl	Re-Roof House	
16099	Sahlems Roofing	86 Southwest Pky	Re-Roof House	(V/L)
16100	Sahlems Roofing	1 Rue Madeleine Way	Re-Roof House	
16101	Choops, Neal	183 Cemetery Rd	Er. Garage	
16102	Doering, Thomas	13 Juniper Blvd	Er. Shed	
16103	Wener, Gregory	15 Red Clover Ln	Er. Deck	
16104	Besroi Construction	29 Partridge Walk	Re-Roof House	
16105	Besroi Construction	88 Field Ave	Re-Roof House	(V/L)
16106	Weiermeiser, M	62 Church St	Er. Fence	(V/L)
16107	Expert Fence Co	29 Meadow Lea Dr	Er. Fence	
16108	Gennamore, Craig	37 Central Ave	Er. Sign-Wall	(V/L)
16109	City Fence	5490 Broadway	Er. Fence	(V/L)
16110	Schuster Const	503 Aurora St	Er. Garage	
16111	Dmasiewicz, Ronald	84 Christen Ct	Re-Roof House	(V/L)
16112	American Eagle	55 Lake Ave	Er. Fireplace	(V/L)
16113	Duro-Shed Inc	31 Ashley Dr	Er. Shed	(V/L)
16114	Skolikas, Catherine	27 Ivy Way	Re-Roof House	(V/L)
16115	Giras, Mark	243 Schwartz Rd	Er. Fireplace	
16116	Aqua Systems	184 Siebert Rd	Inst. Inground	
16117	Colley's Pool Sales	35 Apple Blossom Blvd	Er. Pool-In Grnd	
16118	Colley's Pool Sales	35 Apple Blossom Blvd	Er. Fence	
16119	Olivieri, Louise	139 Stony Rd	Er. Shed	
16120	Duro Shed	2 Avian Way	Er. Shed	
16121	David Homes	21 Sawgrass Ln	Er. Dwlg -Sin.	

16122	Konieczko, Michael	6164 Broadway	Er. Res. Add.	
16123	Duro Shed	1160 Penora St	Er. Shed	
16124	Frommann, Michael	104 Field Ave	Er. Fence	(V/L)
16125	CMK Builders Inc	1335 Ransom Rd	Er. Dwlg.-Sin.	
16126	Iroquois Fence	63 Michael Anthony Ln	Er. Fence	
16127	Duro-Shed Inc	18 Farmview Ct	Er. Shed	
16128	Marrano/Marc Equity	43 Avian Way	Er. Dwlg -Sin.	
16129	Marrano/Marc Equity	64 Avian Way	Er. Dwlg -Sin.	
16130	Marrano/Marc Equity	10 Chicory Ln	Er. Dwlg.-Sin.	
16131	Vanderbosch, Daniel	25 Ashwood Ct	Er. Shed	
16132	Concord Amish Vill	74 Lombardy St	Er. Shed	(V/L)
16133	Schilling, Glenn	212 Siebert Rd	Re-Roof House	
16134	Garland Graphics	5344 Genesee St	Er. Sign	
16135	Grau Builders Inc	7 Dover Ct	Er. Dwlg.-Sin.	
16136	Burke, Michael	3 Franklin St	Er. Fence	(V/L)
16137	Santoro Signs Inc	6733 Transit Rd	Er. Sign-Wall	
16138	Duro-Shed Inc	59 Trentwood Trl N	Er. Shed	
16139	Quality Aluminum II	23 Hillside Pky	Er. Res. Alt.	
16140	Stockmohr Roofing	8 Deerpath Dr	Re-Roof House	
16141	JLB Installations	36 Quail Run Ln	Er. Pool-In Grnd	
16142	JLB Installations	36 Quail Run Ln	Er. Fence	
16143	Labambina, Salvatore	19 Sawgrass Ln	Er. Shed	
16144	Complete Heat	11 St Davids Rd	Inst Generator	
16145	Duro-Shed Inc	15 Pheasant Run Ln	Er. Shed	
16146	Duro-Shed Inc	79 Brunck Rd	Er. Shed	
16147	Babiarz, Kathleen	68 Carter St	Re-Roof House	(V/L)
16148	McClintic, William	1 Chicory Ln	Er. Shed	
16149	Sun Enterprises	49 Southwest Pky	Er. Shed	(V/L)
16150	Picket Fence Inc	1308 Ransom Rd	Er. Fence	
16151	J Pagano & Sons	5170 Genesee St	Re-Roof House	
16152	Sun Enterprises Inc	1211 Penora St	Er. Shed	
16153	Johnson, April	5 Chicory Ln	Er. Shed	
16154	Kutus, Gregory	25 Traceway	Er. Shed	
16155	Iroquois Fence Inc	705 Pleasant View Dr	Er. Fence	
16156	Rinow, Daniel	146 Hinchey Ave	Er. Fence	(V/L)
16157	Natale Building Corp	58 Nicholas Ln	Er. Dwlg.-Sin.	
16160	Sahlem Roofing	12 Northbrook Ct	Re-Roof House	
16161	Sahlem Roofing	6 Wendtworth Ct	Re-Roof House	
16162	Sahlem Roofing	3504 Bowen Rd	Re-Roof House	

BE IT FURTHER

RESOLVED, that the Building Permit Applications herein coded (SW) for sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance requirement for sidewalks, and

BE IT FURTHER

RESOLVED, that the Building Permit Applications herein coded (CSW) for conditional sidewalk waiver be and are hereby reaffirmed with a waiver of the Town Ordinance required for sidewalks, however, the waiver is granted upon the expressed condition that the Town of Lancaster, at any future date, reserves the right to order sidewalk installation at the expense of the property owner.

The question of the adoption of the foregoing resolution was duly put to a vote on roll call, which resulted as follows:

COUNCIL MEMBER ABRAHAM	VOTED YES
COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES

September 8, 2008

COMMUNICATIONS & REPORTS

397. Town of Marilla to Town Board -
Transmittal of resolution requesting NYS DEC to resume free testing for VHS testing of aquaculture business operators. DISPOSITION = Received & Filed
398. Village of Lancaster to Town Board -
Minutes of meeting held August 13, 2008. DISPOSITION = Received & Filed
399. Village of Lancaster to Town Board -
Minutes of meeting held August 4, 2008. DISPOSITION = Received & Filed
400. Town Clerk to Various News Media -
Notice of rescheduled meeting of the Town Board from September 1, 2008 to September 8, 2008. DISPOSITION = Received & Filed
401. Susanna Mattingly to Council Member Ronald Ruffino -
Comments and concerns regarding traffic situation at the intersection of Pleasant View Drive and Harris Hill Road. DISPOSITION = Police Department
402. Safety Coordinator to Town Board -
Minutes of meeting of Safety Steering Committee held July 24, 2008.
DISPOSITION = Received & Filed
403. Erie County Legislature to Town Clerk -
Correspondence regarding proposed establishment of Erie County Planning Board.
DISPOSITION = Received & Filed
404. Town Attorney to Town Board, Planning Board, Building Inspector, Town Engineer, Town Clerk -
Notice of SEQR meeting to be held Monday, September 8, 2008, 6:30 PM regarding proposed addition to Casey Machine Shop. DISPOSITION = Resolution 9/8/08
405. Town Clerk to Various News Media -
Notice of SEQR meeting to be held Monday, September 8, 2008, 6:30 PM regarding proposed addition to Casey Machine Shop. DISPOSITION = Received & Filed
406. Erie County Department of Environment & Planning to Deer Run Estates LLC -
Transmittal of letter regarding proposed sewer system for Deer Run Subdivision.
DISPOSITION = Planning Committee
407. Erie County Executive to Supervisor -
Letter regarding decision to reverse Erie County's decision to cancel the T1 and Web Hosting services to municipalities. DISPOSITION = Received & Filed
408. Erie County Department of Health to Supervisor -
Transmittal of approval permit for waterline installation at The Creekside at Pleasant Meadows Subdivision; conditions noted. DISPOSITION = Received & Filed
409. Empire State Development to Supervisor -
Notice of Public Hearing to be held Thursday, September 4, 2008, 9:00AM at the Town Hall to consider financial assistance to proposed MoldTech Incorporated project. DISPOSITION = Received & Filed
410. NYS DEC to Supervisor -
Letter of congratulations upon approval of funding for 2009 Tree Planting project.
DISPOSITION = Received & Filed
411. NYS Office of Parks, Recreation and Historic Preservation to Supervisor -
Letter regarding consideration of Lancaster District School No. 6 (Little Red Schoolhouse), 3703 Bowen Road for nomination to the National and State Registers of Historic Places.
DISPOSITION = Received & Filed
412. Highway Superintendent to Planning Board Chairman -
Notice of no concerns regarding site plan of Regent Corporation. DISPOSITION = Planning Committee

413. Frank J. Ciccarelli, Attorney to Town Clerk -
Advisement of application for liquor license for 6675 Transit Road, LLC. DISPOSITION =
Town Attorney
414. Erie County Department of Environment & Planning to Town Attorney -
Notice of Lead Agency Designation regarding site plan for Casey Machine Co.,
74 Ward Road; comments noted. DISPOSITION = Planning Committee
415. NYS DOT to Town Attorney -
Notice of Lead Agency Designation regarding site plan for Casey Machine Co.,
74 Ward Road; comment noted. DISPOSITION = Planning Committee
416. Twin District Fire Company to Town Clerk -
Request for change in roster. DISPOSITION = Resolution 9/8/08
417. Wm. Schutt & Associates, P.C. to Town Board -
Recommendation to accept public improvements installed at Cross Creek Subdivision, Phase
I, namely waterline, storm sewers, pavement and curbs, and detention basin. DISPOSITION
= Resolution 9/8/08
418. Town Attorney to Town Clerk -
Request resolution to accept public improvements installed at Cross Creek Subdivision, Phase
I, namely waterline, storm sewer, pavement and curbs, and detention basin. DISPOSITION
= Resolution 9/8/08
419. General Crew Chief to Planning Board, Council Members Abraham, Ruffino, & Stempniak -
Notice from the Town Forestry Department of no issues regarding site plan for Regent
Corporation, 3839 Walden Avenue. DISPOSITION = Planning Committee
420. Federal Emergency Management Agency to Supervisor -
Notice of modifications of flood elevation determinations regarding the North Branch Slate
Bottom Creek. DISPOSITION = Town Engineer
421. Lancaster Town Band Inc to Town Board -
Letter of appreciation for support of 2008 concert series and the building of the Pascucci Band
Shell. DISPOSITION = Received & Filed
422. David Hawk to Town Board -
Request for renewal of Special Use Permit to continue operation of machine shop at 255
Peppermint Road. DISPOSITION = For Resolution
423. Captain Riccardo M. Zuppelli to Town Board -
Request resolution to authorize attendance of Officer Patrick O'Brien to 2008 Safe Schools
and D.A.R.E. Conference. DISPOSITION = Resolution 9/8/08

ADJOURNMENT:

**ON MOTION OF COUNCIL MEMBER STEMPIAK, SECONDED BY COUNCIL
MEMBER RUFFINO AND CARRIED, the meeting was adjourned at 9:41 P.M.** in memory of
Jerry Przykuta and Anna Owens.

Signed _____
Johanna M. Coleman, Town Clerk

